

touches on an American to make sure that we protect the civil liberties, and that whole process for 23 years has been able to be reviewed by the Intelligence Committees of the House and the Senate, and those procedures from 2001 were extended and applied in the same way under the terrorist surveillance program.

Mrs. WILSON of New Mexico. One of the ironies here is that some of our colleagues on the Intelligence Committee who were worried about this new law said well, can you tell us how often you collect information that is to, from, or about Americans in the normal intelligence collection? Well, that would require the intelligence agencies to go back and mine their databases, much of which, frankly, is not even touched and actually probably violate the privacy of Americans in ways that they do not now do so in order to make a report to the Congress about collection of information that happened to be incidentally about Americans. If the North Koreans called the, pick one, Iranians and are talking about one of our colleagues in the Congress, that's a conversation about an American.

Mr. HOEKSTRA. Let me reclaim my time, Mr. Speaker, and yield to my colleague from Connecticut.

Mr. SHAYS. Mr. Speaker, I thank the gentleman for yielding.

I have been listening to this wonderful dialogue and realizing that I didn't want to interrupt the flow, but one thing I am just struck with is during the Cold War, we knew what our strategy was. It was to contain, to react, and it was mutually assured destruction. I don't think Americans have accepted what the new strategy has to be, and it has to be detect, prevent, preempt, and maybe act unilaterally. If a small group of dedicated scientists can create an altered biological agent that will wipe out humanity as we know it, even Jimmy Carter is not going to wait for permission from anyone.

And my point is, I'm struck by the fact that we make it easier, for instance, to go into a business or a library to catch a common criminal than we do that if we thought a terrorist was potentially using a library even within this country to communicate. And I am just wondering if, in fact, that is true or not. In other words, isn't it true that if I impanel a grand jury, as the attorney, the prosecutor, I can just literally go and demand information from a business or library and get it, but don't we require, when we go after someone who is a terrorist, to literally go to the FISA court, have to swear under oath that the information that we are seeking is important? And I guess my question relates to the fact that, isn't the key to our success with terrorism to break into the cell without the terrorists knowing that we have so that we can then break it down and know what they are going to do before they act?

Mr. HOEKSTRA. Let me reclaim my time for a second and answer a part of

that. My colleague from New Mexico touched it. When in a legal proceeding we get a warrant against an individual, or a criminal proceeding here in the United States, we target that individual and all of the calls or all of the communications of that individual then are monitored. Some of these calls may be the kind that the criminal system wanted to intercept, talking to another drug kingpin or whatever. But at the same time they may pick up a call from his mom, his kid's teacher, his dentist, a pizza guy, or whatever, and those are all listened to.

What some folks wanted to do on an alternative to this FISA legislation that we passed in August was a guarantee that when you targeted this foreign terrorist, somebody that we knew was a foreign terrorist and you have to guarantee that that person, whoever he is talking to, is also going to be a foreigner, you kind of sit there and say, wow, how do you do that? This cell phone has an area code of West Michigan; so if someone is calling me and has this number, they are probably calling West Michigan. No, I am in Washington, D.C. And for my BlackBerry, if they call my BlackBerry, it has got a West Michigan number on it, I could be in Europe. You don't know where they are going to call, but they said you have to guarantee that it's going to be foreign to foreign. You can't do that.

Mrs. WILSON of New Mexico. But if the gentleman will yield, it's even worse than that. If the limitation in law said you can only listen to foreign-to-foreign communications and I am trying to listen to your cell phone, how do I know who you are going to call next before you call me? So if you are a foreigner and you call another foreigner, that's fine. But if you call into the United States, I have committed a felony because you just called the United States.

You cannot possibly technically, with very rare exceptions, be able to screen out all communications that a foreign target might do calling into the United States before the communication takes place.

Mr. SHAYS. But the bottom line, if the gentleman will further yield, is that we literally have more protections to the potential terrorists than we do for someone involved in organized crime. We make it more difficult, not easier, to get that information. And yet the stakes are so high.

I was in your State at Los Alamos. Is that actually in your district or your neighbor's?

Mrs. WILSON of New Mexico. It's north.

Mr. SHAYS. What I was struck by was that they showed me a nuclear weapon that they made basically out of material they could have bought at Home Depot. The only thing they needed was weapons-grade material. So I am struck by the stakes being so high, and yet we want to make it harder, not easier, to get the terrorists than to get the organized crime.

Mrs. WILSON of New Mexico. But to me it's even worse than that that my colleague from Connecticut mentions, because somebody who is a criminal in the United States has rights under our Constitution; a terrorist outside of the United States does not. They have no protections under the first ten amendments, the Bill of Rights, and those things. We seek to steal secrets from people who are trying to kill us. We seek to listen to the radio communications of our enemies on the battlefield, and yet if those enemies are now using a phone, a communication on a wire to the United States, we are tying ourselves up in court in Washington, D.C. while they are killing our people. It sets a standard which is completely unreasonable.

Now, the Director of National Intelligence came to us in April of this year and said, I have a problem, a very serious problem. We are starting to go deaf because the Foreign Intelligence Surveillance Act has not been updated. He testified in open session last week about the Protect America Act, which must be made permanent. This fix to the Foreign Intelligence Surveillance Act we passed in August and the President has signed. And he said unless we make this law permanent, we will lose between one-half and two-thirds of our intelligence against the terrorist target. Let me say that again. Unless we make this act permanent, we will lose between one-half and two-thirds of our intelligence on the terrorist target.

Think about that. Are you willing to say two of three conversations from terrorists trying to kill us, that it is okay not to listen to them, it is okay that we go deaf with respect to protecting this country against terrorists? I am not. I believe it's possible to protect the civil liberties of Americans and focus our resources there with respect to the courts while listening to people who are reasonably believed to be in foreign countries who are not Americans, and that is what the Protect America Act did.

Mr. HOEKSTRA. Reclaiming my time, I would like to thank my colleagues for joining me this evening to talk about this very important issue. I thank the generosity of the Speaker.

THE UNITED STATES AIR FORCE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arizona (Mr. FRANKS) is recognized for 5 minutes.

Mr. FRANKS of Arizona. Mr. Speaker, nearly 100 years ago the Department of War made a contract with two all-American men who would revolutionize human life as we know it. Those Ohio-born Wright brothers had a starry-eyed vision, tenacity, and brilliance that transformed their vision from theory to reality when they contracted with the United States Army to build a flying machine for the use of the United States Armed Forces.

Since then the United States Air Force has proven that mortals can

break the sound barrier many times over in heavier-than-air, high-powered aircraft defying, it seems, the very forces of gravity and transcending the previously incontrovertible dimensions of human capacity. Even at this very moment, the Air Force is working to defend our assets in a new frontier of national security: space itself.

Mr. Speaker, this year marks the 60th anniversary of the year in which the United States Air Force became an official separate military service within the Department of Defense. Since then, the ability to protect the forces of freedom all over the world through flight in air, space, and cyberspace has transformed warfare in a way that perhaps only can be truly appreciated by the enemies of liberty.

Air power was born through the courage and resilience with which our noble men and women in the Air Force overcame in the crucibles of World War I, World War II, and the Cold War. And today the courageous airmen and women of this generation are shaping history still as the enemies of liberty feel the just fury of the Air Force in Operation Iraqi Freedom. The U.S. Air Force has risen to meet the challenge of international terrorism by attaining a new level of technological capability to surveil a battle space virtually encompassing the entire planet.

Mr. Speaker, I have the precious honor of representing the Second Congressional District of Arizona, which includes Luke Air Force Base, a vital strategic asset to our national security and the largest fighter wing in the United States Air Force. Luke Air Force Base trains over 95 percent of all U.S. Air Force F-16 pilots and over 50 percent of all U.S. fighter pilots. The commanders at Luke are entrusted with the solemn mission of effectively equipping the Nation's greatest F-16 pilots and maintainers to be deployed as mission-ready war fighters. It is a center and symbol of excellence to the Air Force and a beacon of courage, honor, military strategy, and effectiveness for our armed services throughout America.

As the Nation commends 60 years of noble and selfless service in the cause of the freedom and security of these United States, it is an honor for me to stand here on the floor of the United States House of Representatives and thank Luke Air Force Base and the entire United States Air Force for their selfless dedication and their commitment to the cause of human freedom. None of us can ever fully convey the gratitude that we owe to these warriors who have answered liberty's call to service and sacrifice.

So, Mr. Speaker, may I pause this moment and offer my deepest and heartfelt gratitude, and that of the entire Nation, to the gallant men and women of the United States Air Force who have now, for these 60 years, borne upon their noble wings of freedom the cause of America and the hope of humanity.

God bless them all, Mr. Speaker. Thank you.

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THE POLARIZATION OF WASHINGTON: FACTIONALISM IN AMERICAN POLITICS

The SPEAKER pro tempore (Mr. ALTMIRE). Under the Speaker's announced policy of January 18, 2007, the gentleman from Connecticut (Mr. SHAYS) is recognized for 60 minutes.

Mr. SHAYS. Mr. Speaker, I thank you for giving me this time and recognizing me. Just so folks who are here can kind of plan on their evening, I don't intend to go more than a half an hour, but there are some things that have been on my mind that I wanted to talk about.

In 2004, we passed a law that every school or college that receives Federal dollars must teach about the Constitution on September 17, the day the Constitution was adopted. We call this Constitution Day, or Citizens Day.

I found myself thinking about this from the perspective of my witnessing what is taking place in Iraq, where they're wrestling with their constitution. And so I found myself thinking that we can learn a lot about ourselves and our great Nation by looking at one of the world's oldest civilizations and its people, a people struggling under the most difficult circumstances to construct a governing constitution that will allow them to unite their nation, survive and prosper.

In my first visit to Iraq in April of 2003, I literally had to sneak into the seaport city of Um Qasr near the Kuwait border. The State Department was helping me, but the Department of Defense was trying to track me down and stop me from entering this historic land. As I approached the border, the British guards at the gates were asking for identification. My Save the Children driver, talking with DoD officials by satellite phone, was cooperating with them as little as possible, and I sat quietly in the Land Rover's front seat feeling like an anxious prisoner trying to gain my freedom by escaping into Iraq, not trying to get out.

We did get into this land of the Tigris and Euphrates Rivers, and so began my first of 18 trips seeking to exercise my constitutional responsibility of congressional oversight over a reluctant executive branch.

The irony of this experience was not lost on me. Here I was trying to fulfill my responsibility as the chairman of the National Security Subcommittee of the Oversight and Government Reform Committee, with specific jurisdiction over both the Departments of Defense and State, and one of these Departments, Defense, was trying to prevent me from exercising that responsibility, and the other, State, was trying to help me carry it out.

So why would we want such oversight? The reality is, if more Members

of Congress had done proper oversight and gone to Iraq, abuses like Abu Ghraib never would have happened. Some Members would have toured the facility, and one of the soldiers in that dysfunctional Reserve unit would have quietly approached a Member and said, Sir or Ma'am, I don't know the first thing about being a prison guard, and by the way, some pretty bad stuff is going on here. The Members of Congress would more than likely have waited until the soldier left, and then asked some tough questions of the supervisors and demanded to see all of the facility. If he or she had gotten any "push back," they would have come home asking even more questions, and the military would have been forced to look into the issue and take corrective action before things got out of hand.

Abu Ghraib was about a military unit run amuck. With proper oversight, the abuses would have been easy to correct and been corrected without a lot of fanfare or publicity. The press would not have had a story, our Nation's reputation wouldn't have been in question, and a primary recruitment cry of al Qaeda would never have existed.

As it was, Abu Ghraib happened. The press ran the story, with little obligation or inclination to contain it, particularly after part of it was out. Al-Jazeera and al Qaeda used it to inflame the Muslim world, and hundreds of American soldiers, sailors, marines and air men and women died as a result.

In our Constitution, there are checks and balances between the executive and legislative branches, but the fourth estate, the press, is on its own. Our Founding Fathers knew the tension between the legislative and executive branches makes both branches perform better, our country stronger, and our people safer. The fact is, the failure of the first Republican Congress to consistently do aggressive oversight hurt the President, his administration, the country and helped them elect a new Democratic Congress.

The first year I traveled primarily outside the umbrella of the military, staying in places like Um Qasr, Basrah, Al Kut, Arbil, Sulaymaniyah and Khanagin. That year turned out to be an undeniable disaster. Regrettably, the President sided with Defense and Rumsfeld. State and Colin Powell were put on the sideline. Paul Bremer was brought in to rule as a dictator, and I saw firsthand the result of such a government. The voice of everyday Iraqis was not being heard, and predictably one bad decision piled on another.

Following the faithful decision to arbitrarily disband their police, border patrol and army, as I traveled outside the umbrella of the military, I was continually asked by everyday Iraqis, why are you putting my neighbor, why are you putting my uncle, why are you putting my brother, why are you putting my cousin, my nephew, my father, my son, why are you putting my husband out of work? Why can't he at